

Legislation of private water supplies and drought



This paper provides an outline of the legislation applying to private water supplies in England and Wales (Private Water Supplies Regulations 2009 for England and the Private Water Supplies (Wales) Regulations 2010) and the rights set out in the Water Industry Act 1991 for those who rely on a private supply and the duties and powers available to the local authorities in the context of insufficiency of such supplies.

Drought

Following below average winter rainfall for two winters, a number of areas of England and Wales are experiencing drought conditions with reduced levels of water in rivers, lakes and in the ground. In some cases this may result in a temporary or longer-term loss of supply as boreholes or springs serving private supplies dry up.

Regulations

The Water Industry Act 1991 defines the functions of local authorities where supplies become insufficient. Such a circumstance may be drought where the borehole or spring no longer yields water.

The Act is very specific to those situations where the private supply to premises is provided for domestic purposes. That is for drinking, cooking, food preparation and washing.

If a domestic supply should become insufficient, the responsible person(s) may seek advice from the local authority or the water company, but there is no obligation on either to provide an alternative supply water except where the local authority considers the circumstances pose a danger to life or human health. In such a case, the local authority may require, and if necessary has power to require, the local water company to supply water by means other than in pipes, if practicable, and at reasonable cost for a specified period. The water company may levy a charge on the local authority and this can be recovered from the persons to which the water is supplied. In practice owners of such domestic supplies would approach the water company directly to arrange a solution and the water company would inform the local authority.

For large private supplies, for example one that supplies in excess of 10,000 litres per day on average, it is not likely to be practicable to provide an alternate supply at short notice nor would this be achievable at a reasonable cost. Therefore in the context of drought, if the supply owner does not already have in place a pre-arranged plan or agreement for alternate supplies, should drought induced insufficiency arise the local authority and water company are entitled to regard the situation as one where there is no duty to provide an emergency supply. Owners of supplies where there is no existing contingency plan should take steps to rectify this situation as soon as practicable.

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A commercial supply, which includes farm supplies, are by definition not classified as domestic. In the situation where there is a domestic supply, fed from a source which also feeds a commercial enterprise such as a farm, then the person responsible for the supply can only approach the local authority or the water company for advice and help for the domestic supplies to premises. Domestic supplies are those which are essential for life and human health and do not include supplies for livestock, birds or any other agricultural or horticultural activity.

Actions

In view of the regulatory framework, the DWI encourages the early planning and arrangements for alternative supplies. Advice has been made available to water companies, local authorities and commercial providers of alternative supplies. The note prepared jointly with the Environment Agency makes this advice more widely available through the EA website. Further information can be found on the DWI website under the private water supplies link.

Links

Well Drillers Association

www.welldrillers.org

Tel: 07736 364259

Drinking Water Inspectorate

www.dwi.defra.gov.uk

Tel: 030 0068 6400

Local authorities

<http://www.direct.gov.uk/en/DI1/Directories/Localcouncils/AToZOfLocalCouncils/index.htm>

WaterUK and water companies

<http://www.water.org.uk/home/our-members/list-of-companies>

Water Supply Borehole Construction and Headworks - GUIDE TO GOOD PRACTICE

<http://publications.environment-agency.gov.uk/PDF/SCHO1000BFHB-B-E.pdf>

Water Regulatory Advisory Scheme

<http://www.wras.co.uk/>